



General Assembly

February Session, 2006

Raised Bill No. 5784

LCO No. 2988

02988_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING THE BOARD OF PARDONS AND PAROLES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 54-124a of the 2006 supplement
2 to the general statutes is repealed and the following is substituted in
3 lieu thereof (*Effective July 1, 2006*):

4 (a) There shall be a Board of Pardons and Paroles [within the
5 Department of Correction, for administrative purposes only. On and
6 after October 1, 2004, the board] that shall consist of thirteen members
7 appointed by the Governor with the advice and consent of either
8 house of the General Assembly. In the appointment of the members,
9 the Governor shall endeavor to reflect the racial diversity of the state.
10 The Governor shall appoint a chairperson from among the
11 membership. The chairperson of the board shall be qualified by
12 education, experience and training in the administration of community
13 corrections, parole or pardons.

14 Sec. 2. Subsection (g) of section 54-124a of the 2006 supplement to
15 the general statutes is repealed and the following is substituted in lieu
16 thereof (*Effective July 1, 2006*):

17 (g) The [Department of Correction] Board of Pardons and Paroles
18 shall be responsible for the supervision of any person transferred to
19 the jurisdiction of the Board of Pardons and Paroles during such
20 person's period of parole or special parole.

21 Sec. 3. Section 54-124c of the general statutes is repealed and the
22 following is substituted in lieu thereof (*Effective July 1, 2006*):

23 Notwithstanding any provision of the general statutes, the
24 [Department of Correction] Board of Pardons and Paroles shall be
25 responsible for the supervision of all persons released from
26 confinement in a correctional institution or facility into the community,
27 except persons released pursuant to section 18-100c, until their
28 sentence to the custody of the Commissioner of Correction is
29 completed.

30 Sec. 4. Subsection (a) of section 54-125a of the general statutes is
31 repealed and the following is substituted in lieu thereof (*Effective July*
32 *1, 2006*):

33 (a) A person convicted of one or more crimes who is incarcerated on
34 or after October 1, 1990, who received a definite sentence or aggregate
35 sentence of more than two years, and who has been confined under
36 such sentence or sentences for not less than one-half of the aggregate
37 sentence or one-half of the most recent sentence imposed by the court,
38 whichever is greater, may be allowed to go at large on parole in the
39 discretion of the panel of the Board of Pardons and Paroles for the
40 institution in which the person is confined, if (1) it appears from all
41 available information, including any reports from the Commissioner of
42 Correction that the panel may require, that there is reasonable
43 probability that such inmate will live and remain at liberty without
44 violating the law, and (2) such release is not incompatible with the
45 welfare of society. At the discretion of the panel, and under the terms
46 and conditions as may be prescribed by the panel including requiring
47 the parolee to submit personal reports, the parolee shall be allowed to
48 return to the parolee's home or to reside in a residential community

49 center, or to go elsewhere. The parolee shall, while on parole, remain
50 under the jurisdiction of the board until the expiration of the
51 maximum term or terms for which the parolee was sentenced. Any
52 parolee released on the condition that the parolee reside in a
53 residential community center may be required to contribute to the cost
54 incidental to such residence. Each order of parole shall fix the limits of
55 the parolee's residence, which may be changed in the discretion of the
56 board. [and the Commissioner of Correction.] Within three weeks after
57 the commitment of each person sentenced to more than one year, the
58 state's attorney for the judicial district shall send to the Board of
59 Pardons and Paroles the record, if any, of such person.

60 Sec. 5. Subsection (f) of section 54-125a of the general statutes is
61 repealed and the following is substituted in lieu thereof (*Effective July*
62 *1, 2006*):

63 (f) Any person released on parole under this section shall remain in
64 the custody of the Commissioner of Correction and be subject to
65 supervision by personnel of the [Department of Correction] Board of
66 Pardons and Paroles during such person's period of parole.

67 Sec. 6. Subsection (a) of section 54-125e of the 2006 supplement to
68 the general statutes is repealed and the following is substituted in lieu
69 thereof (*Effective July 1, 2006*):

70 (a) Any person convicted of a crime committed on or after October
71 1, 1998, who received a definite sentence of more than two years
72 followed by a period of special parole shall, at the expiration of the
73 maximum term or terms of imprisonment imposed by the court, be
74 automatically transferred to the jurisdiction of the chairperson of the
75 Board of Pardons and Paroles or, if such person has previously been
76 released on parole pursuant to subsection (a) of section 54-125a or
77 section 54-131a, remain under the jurisdiction of said chairperson until
78 the expiration of the period of special parole imposed by the court. The
79 [Department of Correction] Board of Pardons and Paroles shall be
80 responsible for the supervision of any person transferred to the

81 jurisdiction of the chairperson of the Board of Pardons and Paroles
82 under this section during such person's period of special parole.

83 Sec. 7. Section 54-125g of the general statutes is repealed and the
84 following is substituted in lieu thereof (*Effective July 1, 2006*):

85 Notwithstanding the provisions of sections 18-100d, as amended by
86 this act, 54-124c, as amended by this act, and 54-125a, as amended by
87 this act, any person who has six months or less to the expiration of the
88 maximum term or terms for which such person was sentenced, may be
89 allowed to go at large on parole provided such person agrees (1) to be
90 subject to supervision by personnel of the [Department of Correction]
91 Board of Pardons and Paroles for a period of one year, and (2) to be
92 retained in the institution from which such person was paroled for a
93 period equal to the unexpired portion of the term of his or her sentence
94 if such person is found to have violated the terms or conditions of his
95 or her parole. Any person subject to the provisions of subdivision (1)
96 or (2) of subsection (b) of section 54-125a shall only be eligible to go at
97 large on parole under this section after having served ninety-five per
98 cent of the definite sentence imposed.

99 Sec. 8. Section 54-125h of the general statutes is repealed and the
100 following is substituted in lieu thereof (*Effective July 1, 2006*):

101 Notwithstanding the provisions of section 54-125a, as amended by
102 this act, the chairperson of the Board of Pardons and Paroles may
103 transfer to any public or private nonprofit halfway house, group home
104 or mental health facility or to an approved community or private
105 residence any person confined in a correctional institution or facility
106 who has been granted parole release and is within eighteen months of
107 the parole release date established by the board. Any person released
108 from confinement pursuant to this section shall be transferred to the
109 jurisdiction of the chairperson of the Board of Pardons and Paroles.
110 Such person shall remain in the custody of the Commissioner of
111 Correction during the period of such release and employees of the
112 [Department of Correction] Board of Pardons and Paroles shall be

113 responsible for the supervision of such person while such person is
114 residing at such halfway house, group home, mental health facility or
115 community or private residence. Such person may, at any time, be
116 returned to confinement in a correctional facility.

117 Sec. 9. Section 54-127 of the general statutes is repealed and the
118 following is substituted in lieu thereof (*Effective July 1, 2006*):

119 The request of the Commissioner of Correction or any officer of the
120 Department of Correction so designated by the commissioner, or of the
121 Board of Pardons and Paroles, [or its chairman] the chairperson of the
122 Board of Pardons and Paroles or any officer of the board designated by
123 the chairperson shall be sufficient warrant to authorize any officer of
124 the Department of Correction or of the Board of Pardons and Paroles,
125 as the case may be, or any officer authorized by law to serve criminal
126 process within this state, to return any convict or inmate on parole into
127 actual custody; and any such officer, police officer, constable or state
128 marshal shall arrest and hold any parolee or inmate when so
129 requested, without any written warrant.

130 Sec. 10. Subsection (b) of section 54-131k of the general statutes is
131 repealed and the following is substituted in lieu thereof (*Effective July*
132 *1, 2006*):

133 (b) Any person granted a compassionate parole release pursuant to
134 this section shall be released subject to such terms and conditions as
135 may be established by the Board of Pardons and Paroles and shall be
136 supervised by [the Department of Correction] personnel of the board.

137 Sec. 11. Section 18-100d of the general statutes is repealed and the
138 following is substituted in lieu thereof (*Effective July 1, 2006*):

139 Notwithstanding any other provision of the general statutes, any
140 person convicted of a crime committed on or after October 1, 1994,
141 shall be subject to supervision by personnel of the Department of
142 Correction or the Board of Pardons and Paroles until the expiration of

143 the maximum term or terms for which such person was sentenced.

144 Sec. 12. Subsection (g) of section 46a-152 of the 2006 supplement to
145 the general statutes is repealed and the following is substituted in lieu
146 thereof (*Effective July 1, 2006*):

147 (g) Nothing in this section shall be construed as limiting the justified
148 use of physical force by a local, state or federal law enforcement official
149 or an employee of the Board of Pardons and Paroles [or the
150 Department of Correction] responsible for the supervision of persons
151 released on parole while in the performance of such official's or
152 employee's duties.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2006</i>	54-124a(a)
Sec. 2	<i>July 1, 2006</i>	54-124a(g)
Sec. 3	<i>July 1, 2006</i>	54-124c
Sec. 4	<i>July 1, 2006</i>	54-125a(a)
Sec. 5	<i>July 1, 2006</i>	54-125a(f)
Sec. 6	<i>July 1, 2006</i>	54-125e(a)
Sec. 7	<i>July 1, 2006</i>	54-125g
Sec. 8	<i>July 1, 2006</i>	54-125h
Sec. 9	<i>July 1, 2006</i>	54-127
Sec. 10	<i>July 1, 2006</i>	54-131k(b)
Sec. 11	<i>July 1, 2006</i>	18-100d
Sec. 12	<i>July 1, 2006</i>	46a-152(g)

Statement of Purpose:

To make the Board of Pardons and Paroles an independent agency and restore to the board the responsibility for supervision of parolees in the community.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]